

NORTH CAROLINA.

The Game Between the Executive and the Judiciary.

The Political Situation and the Canvass—Another Judicial Envoxy to Colonel Kirk's Realm—The Canvass Prisoners to be Tried After the Elections—Advantages of the Radicals in the Campaign—Debt of the State—Origination of the Military Generalship and Congressional Candidates.

Raleigh, July 30, 1870.

There is a curious force being enacted here between the Executive and the head of the Judiciary on the subject of the suspension of the writ of habeas corpus and the alleged insurrection in the State. Both are partisans of the same political persuasion—the Chief Justice being one of the advisers of the Executive as to party policy and one of the shrewdest in the country. After the outrageous and insulting reception of his last deputy, who went to serve the writ on Colonel Kirk, one would suppose that the dignity and honor of the bench would have been asserted; but to-day it appears that the same miserable subterfuge is to be repeated. The Marshal of the Supreme Court is again ordered to proceed to Yanceyville to serve the writ in the cases of the Caswell prisoners, and he will return, as did the former envoy of the Court, empty handed as he went, if Kirk does not accord him the hospitality of the Court House with the guests he seeks to release. The burden of Chief Justice Pearson's decision is that the entire civil power of the State is absorbed by the Executive in the militia, to be used as he deems proper, and that the Judiciary has only a moral power, after executing which its functions cease. Mr. Pearson, as Governor Holden said in his letter to Kirk, "substantially sustains him" in his military aggression on the rights and liberties of a free people, and admits that, however atrocious the acts of Holden are, there is no remedy under the law. Such is the inference from his opinion, and this is borne out by the considerable efforts to bring the prisoners into a civil court, which is merely a blind to allay popular clamor until the elections are over. Holden has determined to try the prisoners by a court martial of his militia officers, which will convene on the 8th of August, when the elections are over.

The Political Campaign is now at its most exciting stage prompts me to give the readers of the HERALD a brief view of the situation. Perhaps the absorbing interest excited by the war between France and Prussia, and the attention now being attracted to the military operations of Governor Holden, has caused Ku Klux Klan, may not deter sober-minded men who note the political situation in each State from looking into a circumstantial account of the canvass now pending here, which I will endeavor to make fair and impartial. The elections for members of Congress, for the State Assembly, and for the General Assembly and for county and township officers take place Thursday next, the 4th inst. So far the canvass has been conducted with great vigor by both parties, notwithstanding the presence of the military forces in the State, both parties, as usual, claiming success. It is a noticeable fact, however, that the amount of public speaking is less than it was some two years ago. The radical campaign, in most of the old campaigners and stump speakers have left the more active duties to the candidates themselves. Speakers like Vance, Graham, Ashe, Bragg and others of the old school, have preferred rather to remain in the shade and avoid the excruciating and perhaps they decline, as lawyers, to participate in a canvass conducted under the auspices of the militia bayonet. As titles, the

GENERAL CONVENTION of the two parties in this State is radical and conservative, old whigs preferring to call themselves conservative, while the democrats yield their old name to unite with their former foes against the common enemy; yet both are alike conservative in the true sense of the word, and have held to the present radical State administration. To a number who call themselves republicans the term radical is very offensive, as well as to those who have heretofore voted with them. Many of this class virtually drive out the democrats, and, in fact, waste and violence of the radicals, will, at the approaching elections, sever their connection with that party and vote with the conservatives. Any New York republican, after a short acquaintance with the history of the State, and especially with Governor Holden and his adherents, would scorn affiliation with them. Wholly unlike in moral character, principle and position, are the two parties in New York and North Carolina. In the latter it is necessary to give the idea of the contest as well as the men engaged in it.

ADVANTAGES OF THE RADICALS. Two years ago the radical or republican party in this State came into power and ruled with a prestige and advantage which they have held undisputed possession of the power for the next twenty years, notwithstanding the offensive character of the new constitution to the mass of intelligent thinkers, but for the prevailing ignorance and credulity of most of its leaders. It has pledged to it and bound every tie partisan legislation could manufacture with 75,000 negro votes perfectly within its control. Besides this it holds the vast ground against the democrats of that class who are now in the State, and who were avowed Union men, many of whom went into the war when a sectional issue was forced upon them, but who were always doubtful of the result and never gave up their Union proclivities. Were the question of

A NATIONAL UNION, such as it was before the war, with the simple addition of giving to the negro full civil and political rights and privileges forever, submitted to the people of North Carolina to-day, with the assurance of all their rights and rights from military complications, with an honest and economical State government, none would hesitate to say that it would be carried by a majority of 60,000 of the whites alone.

THEIR RACIAL HAVE DONE.

With all these material and moral advantages in support of the radical party, and with a State debt of only \$14,000,000, the party with more ordinary intelligence and integrity might have grown stronger and more powerful as it advanced in years. But confident in the force of numbers, and controlled blindly by the secret leagues, they became intoxicated with power and profit and regarded the State poll-money as a railroad debt. The State immediately declared self-determination in 1868, and after five years the number of offices and salaries, burdening the people directly and indirectly with a tax eight times as large as formerly. This has produced almost universal discontent, and a determination for change. More than this, the history of the party has developed an amount of corruption, waste and robbery of the public funds unexampled in the annals of any State. Native radicals and carpet-baggers are alike responsible for this, and are alike profited by it. The party has been and is being acted upon by the conservatives before, were drawn into the main stream, and had their pockets filled. The changes in the court system and municipal governments, with enormous financial expenditures, have greatly added to this discontent.

ORGANIZATION. So wide spread was this discontent at the close of the last General Assembly, the conviction became general that the people were left untrammeled at the approaching elections, and the defeat of the radicals must be overwhelming. Hence at an early day steps were taken for reorganization, and every possible means were adopted to prevent defeat. The present programme of insurrection, outrages, and military operations mapped out and inaugurated by Governor Holden, Judge Little, and Senators Pool and Abbott, was deemed absolutely necessary to insure radical success. The presumption is therefore that the party is thoroughly organized. On the other hand, the conservatives determined to hold

issues of the canvass. The conservatives being without money chiefly rely upon the moral force of their position and the superior class of men they have nominated for office.

THE ATTORNEY GENERALSHIP. The radical party, in the selection of a candidate for the Attorney Generalship, Samuel F. Phillips, Esq., a leading lawyer of this city, a gentleman well known as conservative in his views, of bright character, integrity, and able legal adviser, Mr. Phillips would make an able Attorney General. Mr. W. M. Shipp, his competitor, was formerly a Judge of the Superior Court, is a good lawyer, and is universally admired. He is taking the matter quietly and has appeared very little in the canvass.

CANDIDATES. Every Congressional district is full of candidates. Indeed, such a swarm has never before been in North Carolina. The candidacy of every office, large or small, important or insignificant, has or could have had from three to five candidates on each side. The superior organization of the radical party had enabled it to rub off the regulars and radicals in a general thing; but the conservatives have not been so fortunate, and this fact may seriously interfere with the success of the latter at various points.

CONGRESSIONAL DISTRICTS. In the First Congressional district Hon. C. L. Cobb, the present incumbent, was nominated for re-election by the radicals. He is opposed by Timothy Morgan, a republican, a man of little ability, but a staunch supporter of the radicals, and a military operations &c. Cobb is regarded as the Holden-Pool candidate. It is supposed that Pool's connection with Holden's Kirk military force and the bad odor of Holden's administration may not be regarded with aid of the conservative. The opinion is that Cobb will not join in Mr. Cobb's election is almost certain.

The Second district has four candidates. Mr. Joseph Dixon was nominated by the radicals to succeed the late Hon. J. W. Caldwell, who died in office. Mr. Dixon is a man of considerable qualifications for the position and no claims for success above what the large radical majority will give him. He is opposed by the conservatives, who have nominated Mr. C. B. Thomas, a man of considerable qualifications for the position and no claims for success above what the large radical majority will give him. The opinion is that Cobb will not join in Mr. Cobb's election is almost certain.

The Third district has three candidates. Hon. O. H. Dockery, the present incumbent, received the regular nomination by the radicals. Andrew Jackson Jones, a radical, was nominated by a disaffected portion of the party, and Mr. Waddell, a conservative, was nominated by the conservative candidate. Mr. Dockery claims to be a republican, would scout the name of radical, is a friend of "universal suffrage and universal amnesty," is deeply opposed to the radical administration, and to his military movements. Mr. Jones is the Holden candidate. Mr. Waddell's course after the war rather identified him with the republicans, but for some time he has been decidedly opposed to the radicals. Some hold out the hope which might be sure if Jones holds out, and splits the radical vote, but all shades of republicans would prefer Dockery to Waddell, and hence conclude if Jones backs out Dockery will be elected.

In the Fourth, or Raleigh district, there are four candidates. Mr. Madison Hawkins for the remainder of Dewees's term, and James H. Harris, colored, for the regular term, are the radical candidates. The conservatives have a popular ticket in the Hon. S. C. Gill for the term of one year, and Hon. S. C. Gill for the regular term. Mr. Hawkins is a feeble man and can hardly carry his party strength it is thought. James H. Harris, the colored radical candidate, is a remarkable man. He has decided ability as an orator, and is a good stump speaker. Harris was born free, and was raised here. He went North when a young man and received some education at Oberlin; went to Africa and returned to his native land in 1857. He has been a member of Congress for the last two years, and is a very poor, but a "good thing" in the eyes of the radicals. He is said to be worth some \$20,000, some of the pickings of the Penitentiary and railroad business. 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